

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**ROBERT SAMUEL FARRELL (1)**

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**CRIMINAL NO. 4:06-CR-103-ALM-KPJ-1**

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 7, 2022, to determine whether Defendant violated his supervised release. Defendant was represented by Michelle Allen-McCoy. The Government was represented by Marisa Miller.

On January 17, 2007, United States District Judge Michael Schneider sentenced Defendant to one hundred thirty-five (135) months imprisonment, five (5) years of supervised release, and a special assessment fee of \$100.

On May 11, 2022, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 47). The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Defendant shall participate in a sex offender treatment program; (5) Defendant shall not purchase, possess, have contact with, or use devices that are capable of communicating data via modem, wireless, or

dedicated connection; Defendant shall not have access to the Internet; Defendant shall not possess or access a computer except at a place of employment, in the course of his or her employment; any computer Defendant accesses at his place of employment shall have no modem or other Internet access device accessible; Defendant shall allow his probation officer to have access to any computer to which he or she has access for the purpose of monitoring this condition.

The Petition asserts that Defendant violated these conditions because: (1) on April 28, 2022, Defendant was arrested by the Wood County Sheriff's Office for possession of a controlled substance and unlawful possession of a firearm by a felon; (2) Defendant was in possession of a 20-gauge shotgun at the time of his April 28, 2022 arrest; (3) Defendant was in possession of 4.43 grams of methamphetamine and several hypodermic syringes at the time of his April 28, 2022 arrest; (4) on May 6, 2022, Defendant admitted to his probation officer that he used methamphetamine on several occasions between April 21, 2022 and April 28, 2022; (5) on May 2, 2022, Defendant was discharged unsuccessfully from sex offender treatment for violating treatment rules regarding commission of new offenses, possessing an unauthorized internet-capable device, and admitting to using illegal drugs; and (6) Defendant was in possession of a smartphone when he was booked into the Wood County Jail following his arrest on April 28, 2022; Defendant later admitted to his probation officer that he possessed an unauthorized internet-capable device on April 28, 2022.

At the June 7, 2022 hearing, Defendant entered a plea of true to allegations 4, 5, and 6. Dkt. 60. The Government dismissed allegations 1, 2, and 3. *Id.* Defendant also consented to revocation of his supervised release and waived his right to appear before the District Judge. *See* Dkt. 61. The Court finds that Defendant has violated the terms of his supervised release, and thus, his supervised release should be revoked.

**RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the June 7, 2022 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons for a term of nine (9) months imprisonment, to be followed by a term of twelve (12) months of supervised release under the same conditions previously imposed, with the first six (6) months of supervised release to be served in a halfway house. Additionally, the Court recommends Defendant be placed at the Federal Correctional Institute in Seagoville, Texas, if appropriate.

**So ORDERED and SIGNED this 8th day of June, 2022.**

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE